

**3/10/0090/FP - Erection of 6 No. Flats, 2 No houses and extension to Public Library at Adams Yard, Maidenhead Street for Atlantic Hertford Ltd.**

**Date of Receipt:** 18.01.2010

**Type:** Full - Minor

**Parish:** HERTFORD

**Ward:** HERTFORD - CASTLE

**RECOMMENDATION**

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 by midday on the 17<sup>th</sup> March 2010 to cover the following matters:-

1. The provision of two public rights of way for pedestrians connecting Maidenhead Street and the Riverside public space, and through Maidenhead Yard along the eastern edge of the listed Seed Warehouse
2. The provision of one dwelling to lifetime homes standards
3. The provision of extended CCTV coverage to include Adams Yard and Maidenhead Yard
4. The establishment of a management company to be responsible for the maintenance of the development including the Maidenhead Yard area

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Boundary walls & fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse for the various businesses and uses around Maidenhead Yard, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

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Reason: In the interests of the appearance of the development within the Conservation Area, the setting of the listed building Seed Warehouse and the amenity of future residents, in accordance with policies BH6, BH 12 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Lighting details (2E27)
6. Landscape design proposals (4P12 - b, e, l, k, )
7. Landscape works implementation (4P13)
8. Construction hours of working- plant & machinery (6N07)
9. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with Adams Yard, the Seed Warehouse, the relocation of parking from Dolphin Yard and the parking for the approved Co-op development as indicated in the submitted Planning Statement January 2010 or as otherwise may be agreed in writing with the local planning authority.

Reason: To ensure a comprehensive approach to the planning of the Riverside Yards area and adequate off street parking provision for the approved development and other adjoining users in the vicinity and in the interests of highway safety and the appearance of the Conservation Area in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007)

10. Removal of permitted development rights (Part 2 Class A) (2E213).
11. Prior to first occupation of the development, the access from The Wash shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development the Conservation Area and Setting of the Listed Building and appropriate pedestrian and vehicular access to the development in accordance with policies BH6, BH12 and ENV1 of the East Herts Local Plan Second Review April 2007.

12. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and a scheme for

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mitigation shall be agreed in writing. The development shall thereafter be carried out in accordance with those agreed details.

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

#### Directives

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access works. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, HSG6, TR1, TR2, TR7, ENV1, ENV2, ENV3, ENV19, BH6, BH12, LRC4, IMP1. The balance of the considerations having regard to those policies and the provisions of the Riverside Yards Planning Brief 1998 is that permission should be granted.

- (B) Where the legal agreement referred to in recommendation A above is not completed by midday 17 March 2010, the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:-

1. The development fails to make the appropriate provisions for long term public access, maintenance of the site, CCTV coverage or lifetime homes provision necessary to support the proposed development. As such, it would be contrary to the provisions of policies ENV1, ENV3, HSG6 and IMP1 of the East Herts Local Plan Second Review April 2007.

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and has a site area of 0.03 hectares. It lies within the town centre of Hertford to the rear of Maidenhead Street and The Wash with a short frontage to the River Lee. It includes Maidenhead Yard which has been used for many years as a car park. This is currently in East Herts Council ownership but leased to the applicant who is developing the immediately adjacent Dolphins Yard development. This scheme is now well advanced. To the immediate west of the site is the listed Seed Warehouse.
- 1.2 The site is part of a wider area subject of the Riverside Yards Planning Brief adopted as Supplementary Planning Guidance in 1998. The riverside yards area historically was in commercial uses variously as a coal yard, printing works and engineering. The Adams Yard site has been subject of previous planning applications for residential development although no planning permissions were granted. The demolition of two dilapidated brick cottages was approved and has already taken place with the recycling of brick materials in the Dolphins Yard development. The only vehicle access site to the site is the single lane road from The Wash which is to be retained in the proposed scheme and includes provisions for resurfacing of this highway area
- 1.3 This application proposes to provide two new building blocks separated by a footpath passage to be retained for public use along Adams Yard. The mixed use development will include a ground floor extension to the new library within the Dolphins Yard scheme, the floor level of the scheme is raised to allow for the connection. 6 No. 2 bedroom flats will be provided on 3 floors above the proposed library extension. In a smaller building on the west side of Adams Yard 2 No. 2 bedroom houses are proposed.
- 1.4 As part of the proposal, which has been negotiated at length with officers, the Maidenhead Yard area will be re-landscaped to provide 14 parking bays, improved landscaping and a footpath along the side of the Seed Warehouse.
- 1.5 The design of the two built forms echoes the materials palette and detailing of the already approved buildings at Dolphins Yard. Provision is indicated for refuse and cycle parking as part of the plans.

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### **2.0 Site History**

2.1 Dolphins Yard adjacent to the site (3/01/0608/FP) includes 16 flats and maisonettes and the new public library and was approved in January 2008 subject to S106 provisions for the creation of new public space, provision of the public library and contributions towards a footbridge crossing of the river. Planning history at Adams Yard relevant to this application.

- Demolition of existing buildings (3/01/2067/LC) – approved with conditions 14 February 2007.
- Application for 9 residential dwellings and car parking (3/01/2066/FP) – withdrawn.
- Apartments and offices - approved subject to S106 (3/03/1209/FP) – withdrawn due to failure to agree S106.
- Removal of condition to permit demolition prior to replacement planning permission (3/09/1092/FO) – Approved

### **3.0 Consultation Responses**

3.1 At the time of writing no comments have been received from Hertfordshire County Highways.

3.2 The Environment Agency object to the development as they consider the Flood Risk Assessment submitted with the application is inadequate and that there is an inadequate naturalised buffer zone to the River Lea. They have indicated that if a buffer zone 8m wide from the river bank were provided then the objection would be overcome. The applicants have indicated they anticipate that these objections will be overcome. An update on the position will be reported to the committee.

3.3 The Conservation Officer recommends that planning permission be granted for the development. She comments that the issues of concern regarding the elevation design, parking and landscaping have been addressed at pre application stage.

3.4 Environmental Health have no objections to the proposal but recommend planning conditions for working hours, noise, dust, bonfires and contaminated land.

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3.5 The Council's Landscape Officer comments that the proposal is good. The landscape proposal offers a well organised use of available space. He seeks a wider planting strip to the side of the disabled bay but this could be covered by condition.

#### **4.0 Town Council Representations**

4.1 Hertford Town Council welcomes the application for the library space only as it considers the existing library is not of sufficient size to encompass the needs of Hertford. They otherwise have no objection to the flats.

#### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No third party letters of representation have been received.

#### **6.0 Policy**

6.1 The most relevant Local Plan policies to this application include the following:-

SD1	Making Development More Sustainable
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV19	Development in areas liable to flood
BH6	New Developments in Conservation Areas
BH12	Development affecting the setting of a listed building
LRC4	Arts Culture and Entertainment

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), and Planning Policy Statement 3 (Housing) are considerations within this application.

## **7.0 Considerations**

### **Principle of Development**

7.1 The site lies within the town centre of Hertford, wherein residential developments and new development will be generally acceptable in principle. The site is currently a gap site given that the Dolphins Yard scheme of 16 flats is effectively being built around it but with blank facades abutting the Adams Yard site. A building on the site is now necessary to secure an attractive and completed appearance to the Dolphin Yard scheme. The main issues to be considered in the application are therefore

- Whether the design is respectful of the immediate townscape and context of such quality as to secure the enhancement of this part of the Hertford Conservation Area
- Whether the design respects the setting of the listed Seed Warehouse
- Whether the proposed car parking and landscaping works are well designed and appropriate having regard to the Conservation Area and setting of the listed building
- Whether the provisions for public access are acceptable and that these provisions are well overlooked and have regard to public perceptions of safety
- Whether there is an objection on flooding grounds to the development
- Whether there would be harm to the amenity of other neighbouring developments

### **Design**

7.2 The development has been designed as one two storey and one three and a half storey block to respect the scale and massing of adjacent new building and the surrounding townscape which is predominantly of two and three storeys in height. The smaller block which faces onto the Maidenhead Yard side respects the setting of the listed Seed Warehouse and as a lower building enables more natural daylight to filter down to the passage way of Adams Yard and the library extension and flats in the second larger block to the rear.

7.3 The scale, form and detailed design of the development has evolved following pre-application discussions with the Conservation Officer. As part of this the solid mass of wall was broken down to provide greater interest within the elevations by the introduction of more balustrades and balcony areas, a greater area of window openings and more detailing of brick work.

- 7.4 The design of the scheme as proposed will in my view result in a good quality contemporary building that reflects the designs of the approved Dolphins Yard scheme. The development will also secure an extended internal floorspace for the new town library and provide increased light from Adams Yard whereas the approved library is somewhat short of provision for natural daylight in its original approved design.
- 7.5 No objections have been received to the built form on design grounds, the development will secure the enhancement of the Conservation Area and setting of the Listed Building. It also responds to the provisions of the adopted Riverside Yards Planning Brief (Opportunity 3) to enhance the setting of the river and the Seed Warehouse.

### **Car Parking Design and Layout**

- 7.6 The application provides for a car parking area of 14 spaces within Maidenhead Yard that is larger than is required solely for the proposed development. Existing uses and businesses around the yard and nearby require car parking and refuse collection provisions in order to make the best use of the available space and potential parking. The application accordingly provides 6 No spaces for the residents of the 8 new dwellings which is sufficient with regards to the provisions of the Council's adopted Vehicle Parking Standards SPD; 3 No spaces for the business users of the Seed Warehouse; 1 No space for the approved Co –op development at 14 Maidenhead St; 1 No. Space for the relocation of a parking space from 12 Maidenhead Street so that the Maidenhead Street entrance to the new library can operate as an attractive pedestrian free entrance area. The final 3 spaces are proposed for residents of Evron Place flats or for office space in the event that HCC do not enter into agreement on the library. The provision of a balanced parking use of the area is to be secured in the long term by a recommended planning condition. Similarly a condition is proposed to ensure that the refuse provision within the area is able to meet the needs of other businesses given the lack of alternative space.
- 7.7 The landscaping and design of the parking area includes the use of good quality materials, such as Granite Kerbs and setts. Yorkstone paving to the pathway will provide an attractive plinth to the Seed Warehouse. A permeable surface is proposed to the main car park surface. The car park and area of Maidenhead Yard is currently under lease from East Herts Council and negotiations proceed over the future terms. Subject to final details, the layout of Maidenhead Yard will provide for the best use of the site and a well designed setting for the Seed Warehouse.



### **Public Access**

- 7.8 In accordance with the provisions of the 1998 Planning Brief the Adams yard site has a key role in improving public access to the riverside which was one of the key objectives of that document (figure 4). The area has been vacant for a long time since the original drafting of the brief and, with the closure of businesses that operated at the site, consequently became associated with anti social behaviour. However with a well designed and occupied new development I see no reason to consider that such problems will reappear. Nonetheless in accordance with previous thinking it is proposed by a S106 that the scheme will provide for an extension of CCTV coverage as well as being designed to provide for good natural surveillance of people passing through the area.
- 7.9 A planning condition is proposed to provide convenient doorway entrances from the flats and houses directly onto Maidenhead Yard within the design; this can be agreed by a minor change to the drawings and has been agreed in principle with the applicant. This encourages a greater connection with the Maidenhead Yard area and improved security.

### **Flooding**

- 7.10 The Environment Agency has objected to the plans. The objection to the provision of a natural buffer is felt to be misplaced and unreasonable. The riverside area is already part of a planned public space and a route to a potential river crossing and so cannot be redesigned as an 8m natural edge as suggested.

### **Neighbour Amenity**

- 7.11 No objections have been received to the proposal on amenity grounds. The scheme will be placed adjacent to the new residential units within the Dolphin Yard scheme as well as close to potential residential accommodation within the upper floors and outbuildings of 10 to 12 The Wash to the south. I consider the relationship of the proposed development, its built form and the layout of car parking and provisions for refuse bins will respect the future amenity of these residents subject to the recommended conditions.

### **Energy Efficiency and Renewable Energy**

- 7.12 The proposal seeks to be consistent with the development of the Dolphin Yard site and it is proposed to construct the development to a Code for Sustainable Homes Level 3.

**8.0 Conclusion**

- 8.1 Overall, it is considered that the proposal will provide a high quality design that secures the completion of a very important element of the Hertford Riverside Yards area and is in accordance with the provisions of the adopted 1998 Planning Brief.
- 8.2 It provides for both the enhancement of the Conservation Area and the setting of the listed Seed Warehouse as well as providing for improved library provision, public access and associated parking, refuse provisions.
- 8.3 The application is therefore recommended for approval subject to the S106 legal obligations, and the planning conditions as set out above.